

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND

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BRUCE ALLEN LILLER, et al.	*	
	*	
Plaintiffs	*	Case No.: MJG 02-CV-3390
	*	(Consolidated with MJG 02-CV-3391)
v.	*	
	*	
ROBERT KAUFFMAN, et al.	*	
	*	
Defendants and	*	
Third-Party Plaintiffs	*	
	*	
v.	*	
	*	
ROGER LEE HELBIG	*	
	*	
Third-Party Defendant	*	

* * * * *

REPLY TO MOTION TO STRIKE DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT

Defendants, Robert Kauffman and Joseph Kauffman, by their undersigned counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure, file the following Reply to Motion to Strike Defendants' Motion for Summary Judgment, and state:

1. Defendants do not dispute that their Motion for Summary Judgment was filed with this Court on February 6, 2004, and that the parties' Joint Revised Scheduling Order submitted on or about June 16, 2003 set a deadline for the filing of dispositive motions of January 27, 2004.

2. Defendants respectfully submit that their failure to comply with the deadline set by this Court's Order was inadvertent and was neither intentional nor in bad faith; that it has not previously occurred in this case and is not expected to occur again; and that Plaintiffs were advised of Defendants' intention to file the Motion in their Status Report on December 23, 2003.

3. Plaintiffs have not been prejudiced by Defendants' delay in filing their Motion, in that the Motion is based upon the evidence which has been developed in this case, and Plaintiffs' ability to prepare their response has not been impaired in any way by the delay.

4. Plaintiffs have not addressed the substance of the arguments set forth in Defendants' Motion for Summary Judgment as to Joseph Kauffman.

WHEREFORE, Defendants, Robert Kauffman and Joseph Kauffman, respectfully request that this Court deny Plaintiffs' Motion to Strike and Grant their Motion for Summary Judgment as to Joseph Kauffman, for the reasons previously set forth.

/s/ Kathleen M. Bustraan

Kathleen M. Bustraan

(Bar No. 24417)

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this 20th day of February, 2004 the foregoing Reply to Plaintiffs' Motion to Strike Defendants' Motion for Summary Judgment was electronically filed with the United States District Court for the District of Maryland with notice sent to: Arnold F. Phillips, Esquire, 25254 Garrett Highway, Suite 4, P.O. Box 537, McHenry, Maryland 21541, Attorney for Plaintiffs; and Donald L. Speidel, Esquire, 800 Red Brook Boulevard, Suite 120, Owings Mills, Maryland 21117.

/s/ Kathleen M. Bustraan
Kathleen M. Bustraan